

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

District of

Division

Case No.

2:18cv584

(to be filled in by the Clerk's Office)

Michael Roshawn Bankston

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☐ Yes ☐ No

Virginia Beach City Public Schools

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Michael Bankston

5728 Anglen Woods Dr.

Virginia Beach

VA 23464

757-447-8411

churshrist@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Virginia Beach City Public Schools

2512 George Mason Dr.

Virginia Beach

VA 23456

(757) 263-1133

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Wrongful Termination

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

I was excluded from substituting in Virginia Beach because I repeatedly complained about the Bayside Middle School Administration mistreating me.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am seeking relief in the amount of \$12,000. This is the amount I could potentially make substituting throughout the academic year.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

11/2/18

Signature of Plaintiff

Michael Bankston

Printed Name of Plaintiff

Michael Bankston**B. For Attorneys**

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

Every time I substitute at Bayside Middle School, I have to write up students. The reason is that many students at the school are disruptive, disrespectful, disobedient, defiant, etc. If I ask students not to talk because I am taking roll, most of them will not listen. When I ask students to quiet down, most of them refuse to comply. In addition, students often backtalk me.

On 9/25/15, Troy Walton, who was an assistant principal at Bayside Middle at the time, asked me not to work at the school anymore. He stated that is unacceptable for me to constantly write up students. I emailed Dr. Aaron Spence, the Virginia Beach superintendent, about the matter. Because I never got a response, I followed up in January, 2016. I was told that my email was forwarded to the appropriate person.

Meanwhile, I went back to Bayside Middle School despite what Mr. Walton said. Each time I went back to the school, however, I got switched over to doing security work. On Valentine's Day 2017, I accepted another job from Bayside Middle School. I then called Bayside Middle and warned that I will call the school board if I get taken out of the classroom setting again. In response, the job was cancelled.

I immediately called the school board. A week later, I received a call from Dr. Paula Johnson, the principal of Bayside Middle School. She said that I am being excluded from Bayside Middle School because I complained to the school board. I also reported this matter to the school board.

When I called the school board, I was directed to Anne Glenn, the human resources coordinator for Virginia Beach City Public Schools. She refused to do anything about the matter because ten other schools have excluded me from working there. If a substitute is to be excluded from working at a school in Virginia Beach, the protocol is for the school administration to contact the substitute and explain the reason for the exclusion. However, only four schools – Bayside Middle

School, Landstown Middle School, Salem Middle School, and Salem High School – informed me that I would be excluded from working there.

That summer, I called the Employee Relations Office at the Virginia Beach School Board (Anne Glenn does not work in the Employee Relations Office). The Employee Relations Director called me back and said that the email that I sent months ago has already been received. It seemed as if nothing was being done about the matter, however.

In January, 2018, I called the school board and asked for a meeting with the superintendent. Rather than have me meet with the superintendent, however, they had me meet with Cheryl Woodhouse, the Virginia Beach Middle Schools Director. She said that school administrators have the right to exclude substitutes that they feel are not a good fit for the school. Hence, Mrs. Woodhouse refused do anything about matter at Bayside Middle School.

Mrs. Woodhouse was previously an administrator at Independence Middle School. Mary Trebon is a former secretary at my high school. She worked at Independence Middle when Mrs. Woodhouse was there. Mrs. Trebon says that Mrs. Woodhouse is no good.

Bayside Middle School has a bad reputation. My neighbor is the eldest child in her family – and the only child in her family to go to Bayside Middle School. All her other siblings went to Independence Middle because her parents did not want her siblings to attend Bayside Middle. I have met other parents who did the same thing to their children. In addition, some substitutes no longer work at Bayside Middle because the school is so bad.

Jermaine Lauzon is a former P.E. teacher at Bayside Middle School. I have heard that he has experienced problems at Bayside Middle. In fact, some acquaintances of Mr. Lauzon say that he has gotten threats from students.

Shortly before spring break, I called the school board to request a meeting with the school superintendent. But they had me meet with Rashard Wright, who was the chief schools officer for Virginia Beach at the time. He said that retaliation will not be tolerated. Mr. Wright stated, however, that he does not believe this was a case of retaliation. Mr. Wright said that Dr. Johnson's decision should be respected, but he would investigate the matter.

I decided to get a second opinion about what Mr. Wright said about this not being a case of retaliation. So on 6/4/18, I called Catelyn Overmiller. She has a law degree and works at the Employee Relations Office of the Virginia Beach School Board. She said that she cannot make a decision about the matter because she needs more information. So I said that I would call her back to set up a meeting if I feel the need to do so.

On 6/8/18, I received an email from Mrs. Glenn. She said that I am being excluded from substituting for Virginia Beach City Public Schools. Mrs. Glenn did not give a reason, but stated that the Employee Relations Office will contact me regarding the exclusion. To this day, however, I have not heard from the Employee Relations Office.

Michael Bonkato
11/2/18/